

WEDNESDAY, MAY 1, 1985

FORTY-SECOND LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Mr. Mike Malugen, Sergeant-At-Arms, House of Representatives.

Representative Hillis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 309, 310

and 1080; and House Joint Resolution No. 262; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 72, 151, 155, 165, 177, 181, 197, 208, 268, 410, 466, 474, 484, 522, 538, 565, 582, 631, 655, 735, 1008, 1009, 1065, 1068, 1070, 1071, 1072, 1073, 1077, 1079 and 1085; and House Joint Resolutions Nos. 127, 128, 130, 142, 144, 161, 180, 202, 204, 205, 206, 207, 208, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 228, 229, 230, 231, 233, 234, 237, 240, 241, 242, 243, 245, 246, 247, 248, 249, 251, 254, 255, 256, 261, 264, 272 and 281; with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 84, 164, 199, 220, 234, 252, 373, 393, 395, 483, 519, 685, 693, 737, 750, 847, 922 and 924; also, Senate Joint Resolution No. 126; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 84, 164, 199, 220, 234, 252, 373, 393, 395, 483, 519, 685, 693, 737, 750, 847, 922 and 924; and Senate Joint Resolution No. 126.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 307, 699, 849, 1074, 1083 and 1084; and House Joint Resolutions Nos. 152, 157, 158, 236, 263, 265, 266, 267, 268, 269, 271, 273, 276, 277 and 278; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House

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Bills Nos. 307, 699, 849, 1074, 1083 and 1084; and House Joint Resolutions Nos. 152, 157, 158, 236, 263, 265, 266, 267, 268, 269, 271, 273, 276, 277 and 278.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 31, 43, 739, 972 and 1045; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 31, 43, 739, 972 and 1045.

CALENDAR

House Bill No. 533--To require use of safety restraint devices, motor vehicles.

On motion, House Bill No. 533 was made to conform with Senate Bill No. 790.

On motion, Senate Bill No. 790, on same subject, was substituted for House Bill No. 533.

Mr. Robinson (Davidson) moved that Senate Bill No. 790 be passed on third and final consideration.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 790 by adding a new section thereto as follows, immediately before the effective date section, and renumbering that section accordingly:

SECTION _____. It is the intent of the General Assembly that this act was enacted with the intent of complying with the guidelines of the U.S. Secretary of Transportation so that the population of Tennessee can be included within the required percentage of the United States population necessary to avoid the imposition of air bags or passive restraint systems.

Mr. Cobb moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	46
Noes	45
Present and not voting	2

Representatives voting aye were: Bell, Brewer, Burnett, Byrd, Cobb, Curlee, Darnell, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Frensley, Gafford, Gaia, Ivy, Jared, Jones, Kent, Lawson, Love, May, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Robinson (Davidson), Rhinehart, Robinson (Hamilton), Stallings, Starnes, Swann, Tankersley, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Winningham, Wix, Wolfe and Work--46.

Representatives voting no were: Bewley, Bivens, Bragg, Buck, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Davis (Cocke), Davis (Gibson), Dills, Drew, Duer, Ellis, Garrett, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Kisber, McAfee, McCroskey, McNally, Montgomery, Napier, Peroulas, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Tanner, Treadway, Webb, Wheeler, Williams, Wood and Yelton --45.

Representatives present and not voting were: Henry and Miller --2.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 790 in Section 3, amendatory Section 55-9 -214 (f) by deleting the words "shall be admissible" and substituting the words "shall not be admissible".

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 790 in Section 3 by adding a new subdivision (5) to amendatory subsection (c), as follows:

(c) (5) The provision of this subsection shall not apply to salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership.

Amendment No. 3 was adopted by the following vote:

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Ayes	53
Noes	36
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Crain, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Harrill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jones, King, Love, May, McCroskey, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stafford, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix and Yelton--36.

Representatives voting no were: Bell, Chiles, Clark (Davidson), Covington, Cross, Davis (Cocke), Davis (Knox), Dixon, Garrett, Gill, Huskey, Jared, Kent, Kernell, Kisber, Lawson, McAfee, McNally, Moody, Moore (Shelby), Nance, Pruitt, Rhinehart, Robinson (Washington), Scruggs, Shirley, Stallings, Starnes, Swann, Tankersley, Turner, L. (Shelby), Wheeler, Winningham, Wolfe, Wood and Work--36.

Representative present and not voting was: Henry--1.

Mr. Dills, moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 790 by adding the following language as a new item to be added to the amendatory language of subsection 3(c):

() Utility workers, water, gas and electric meter readers in the course of their employment shall be exempt from the provisions of this act.

On motion, the amendment was adopted.

Mr. McAfee asked to be recorded as voting "no" on Amendment No. 4.

Mr. Clark (Davidson), moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 790 by adding the following language as a new item to subsection (c) of Section 3:

() The provisions of this subsection shall not apply to a passenger or operator who is beyond her first trimester of pregnancy.

Amendment No. 5 was adopted by the following vote:

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Ayes	63
Noes	26
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davis (Gibson), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Harrill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, King, Love, May, McAfee, McCroskey, Moore (Sullivan), Murphy, Murray, Napier, Peroulas, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Tanner, Treadway, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--63.

Representatives voting no were: Byrd, Chiles, Clark (Sumner), Cobb, Davidson, Davis (Cocke), Davis (Knox), Henry, Huskey, Kernell, Kisber, Lawson, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Rhinehart, Shirley, Stallings, Starnes, Swann, Tankersley, Turner, C. (Shelby), Webb and Wolfe--26.

Representatives present and not voting were: Garrett and Miller--2.

Mr. Whitson moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 790 by adding the following language to the amendatory language of Section 3 as a new item to be appropriately numbered:

() The provisions of this subsection shall not apply to a newspaper delivery motor carrier/service while performing the duties of a newspaper delivery motor carrier service; provided, however, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer.

Amendment No. 6 was adopted by the following vote:

Ayes	63
Noes	27
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Crain, Cross, Curlee, Darnell, Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, King, Lawson, Love, May, McCroskey, McNally, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stafford,

Stallings, Treadway, Turner (Hamilton), Ussery, West, Wheeler, Whitson, Wood and Yelton--63.

Representatives voting no were: Chiles, Cobb, Covington, Davidson, Davis (Cocke), DeBerry, Gill, Henry, Kent, Kisber, McAfee, Moody, Nance, Rhinehart, Scruggs, Shirley, Starnes, Swann, Tankersley, Tanner, Turner, L. (Shelby), Webb, Williams, Winningham, Wix, Wolfe and Work--27.

Representatives present and not voting were: Miller and Moore (Shelby)--2.

Mr. Work moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 790 by adding a new section, to be appropriately numbered, immediately before the effective date section, as follows:

SECTION ____ Tennessee Code Annotated, Section 55-9-214, is further amended in subsection (a) by adding at the end thereof the following new paragraph:

It shall be unlawful for any persons to buy, sell, lease, trade, or transfer from or to Tennessee residents, at retail, a passenger motor vehicle which is manufactured or assembled commencing with the 1987 models, unless such vehicle is equipped with an automatic restraint system or automatic seatbelts of a design approved by the commissioner of safety.

Mr. King moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	31

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davis (Gibson), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Hassell, Henry, Hillis, Hobbs, Ivy, King, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wood and Yelton--61.

Representatives voting no were: Bell, Clark (Davidson), Covington, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dills, Gafford, Gill, Harrill, Hurley, Jared, Jones, Kisber, Lawson, Moody, Moore (Shelby), Pruitt, Rhinehart, Shirley, Stafford, Stallings,

Starnes, Swann, Treadway, Turner, L. (Shelby), Winningham, Wix, Wolfe and Work--31.

Mr. Moody moved to amend as follows:

AMENDMENT NO. 8

Amend Senate Bill No. 790 by adding the following language in Section 3 as a new item to be appropriately numbered:

() Notwithstanding any provisions of law to the contrary, no citation or warrant for arrest shall be issued for a violation of this subsection unless a person is stopped by a law enforcement officer for a separate violation of law and is issued a citation or warrant for arrest for the separate violation of law, nor shall any penalty be imposed.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 9

Amend Senate Bill No. 790 by deleting the words "and all passengers four (4) years of age or older are" in the amendatory subsection (c)(1) in Section 3 and by substituting instead the word "is".

AND FURTHER AMEND by deleting the words "passenger in" in the amendatory subsection (c)(2) in Section 3 and by substituting instead the words "passenger in the front seat of".

Mr. Rhinehart moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes	53
Noes	36

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Curlee, Darnell, Davidson, Davis (Gibson), DePriest, Ellis, Gafford, Gaia, Harrill, Hassell, Henry, Hobbs, Ivy, Kent, King, Love, May, McNally, Miller, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Starnes, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), West, Whitson, Williams, Wix, Wood and Work--53.

Representatives voting no were: Bell, Cross, Davis (Cocke), Davis (Knox), DeBerry, Dills, Dixon, Drew, Frensley, Garrett, Gill, Hillis, Hurley, Huskey, Jared, Jones, Kernell, Kisber, Lawson, McCroskey, Moore (Sullivan), Murphy, Murray, Naifeh, Robinson (Hamilton), Scruggs, Shirley, Stafford, Stallings, Tanner, Treadway,

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Turner (Hamilton), Webb, Wheeler, Wolfe and Yelton--36.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 10

Amend Senate Bill No. 790 by deleting the words and figures "July 1, 1986" in the amendatory subsection (e)(3) in Section 3 and by substituting instead the words and figures "January 1, 1987".

On motion, the amendment was adopted.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 11

Amend Senate Bill No. 790 by adding the following new section immediately following Section 6 and by renumbering the subsequent sections accordingly:

Section _____. In no event shall a violation of this act be assigned a point value for suspension or revocation of a license by the department of safety nor shall such violation be construed as any other offense under the provisions of Tennessee Code Annotated, Title 55.

On motion, the amendment was adopted.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 12

Amend Senate Bill No. 790 by deleting Section 6 in its entirety and by substituting instead the following:

Section 6. The division of state audit in the office of the comptroller of the treasury shall conduct a programmatic evaluation of the implementation and efficacy of this act on or before January 1, 1991, and shall present such report to the house and senate government operations committees. Such committees shall hold a public hearing on such evaluation and shall make recommendations to the General Assembly to modify, continue or repeal this act.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 13

Amend Senate Bill No. 790 by renumbering Section 4 to Section 5, and by adding a new Section 4, as follows:

Section 4. Tennessee Code Annotated, Section 55-9-214 (c)(1) and (c)(2) shall cease to be effective on December 31, 1988. The Department of Safety shall, on or before July 1, 1988, submit a report to the legislature on the degree of compliance, the impact on highway safety, and the effectiveness of this mandatory belt usage law in saving lives and reducing serious injuries in the state of Tennessee.

Amendment No. 13 was adopted by the following vote:

Ayes	44
Noes	35
Present and not voting	7

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Clark (Sumner), Collier, Crain, Davis (Gibson), Davis (Knox), DePriest, Drew, Ellis, Frensey, Gaia, Gill, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, King, Kisber, May, McNally, Miller, Montgomery, Moody, Murray, Naifeh, Peroulas, Ridgeway, Robinson (Hamilton), Scruggs, Shirley, Stallings, Starnes, Swann, Turner, L. (Shelby), Williams, Winningham, Wix, Wood and Work--44.

Representatives voting no were: Bivens, Byrd, Clark (Davidson), Cobb, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, Dills, Dixon, Gafford, Hassell, Jones, Kernell, Lawson, Love, McCroskey, Moore (Sullivan), Murphy, Nance, Rhinehart Robinson (Davidson), Robinson (Washington), Severance, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Whitson, Wolfe and Yelton--35.

Representatives present and not voting were: Buck, Covington, Garrett, Harrill, Henry, Pruitt and Stafford--7.

Mr. Moody moved to amend as follows:

AMENDMENT NO. 14

Amend Senate Bill No. 790 by adding the following language as a new section to be appropriately numbered:

SECTION ____. The provisions of this act shall apply to all motor vehicles driven upon any public road or highway in the state of Tennessee.

Mr. Whitson moved to amend Amendment No. 14 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 14

Amend Amendment No. 14 by adding to the language added by House Amendment No. 14 the following:

The language of this subpart shall not preclude any of the exemptions heretofore established by this act.

On motion, Amendment No. 1 to Amendment No. 14 was adopted.

Mr. Miller moved to amend Amendment No. 14 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 14

AMEND Amendment No. 14 by adding to Section 3(c), as amended, the following appropriately numbered new subpart:

() The provisions of this section shall not apply to any operator or passenger of a motorcycle.

Ms. DeBerry moved that Amendment No. 14, as amended, be tabled, which motion prevailed by the following vote:

Ayes	55
Noes	37

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Crain, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Henry, Hillis, Hobbs, Ivy, Jones, Kernell, King, Love, May, McCroskey, McNally, Miller, Montgomery, Moore (Sullivan), Murray, Naifeh, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson and Yelton--55.

Representatives voting no were: Chiles, Cobb, Covington, Cross, Davidson, Davis (Cocke), Davis (Knox), Drew, Garrett, Gill, Harrill, Hassell, Hurley, Huskey, Jared, Kent, Kisber, Lawson, McAfee, Moody, Moore (Shelby), Murphy, Nance, Napier, Pruitt, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Treadway, Webb, Williams, Winningham, Wolfe and Work--37.

Mr. King moved to amend as follows:

AMENDMENT NO. 15

AMEND Senate Bill No. 790 by adding the following new section immediately preceding the effective date section and by renumbering such effective date section accordingly:

Section _____. The commissioner of transportation shall, within his existing budget, erect signs or add to existing signs along interstate highways within the state of Tennessee a statement to the effect that Tennessee law requires all passengers in a motor vehicle to be wearing safety belts. The number and placement of such signs shall be within the discretion of the commissioner.

Mr. McAfee moved that Amendment No. 15 be tabled, which motion failed by the following vote:

Ayes	35
Noes	53
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Buck, Byrd, Clark (Davidson), Collier, Covington, Crain, Darnell, Davis (Gibson), DeBerry, DePriest, Dills, Ellis, Harrill, Hassell, Hurley, Kent, Lawson, May, McAfee, Moody, Murray, Rhinehart, Ridgeway, Robinson (Washington), Shirley, Stallings, Swann, Treadway, Turner, C. (Shelby), Webb, Wheeler, Wolfe and Wood--35.

Representatives voting no were: Bivens, Bragg, Brewer, Burnett, Cobb, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Henry, Hillis, Hobbs, Huskey, Ivy, Kernell, King, Kisber, Love, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Peroulas, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Stafford, Starnes, Tankersley, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), West, Whitson, Williams, Winningham, Work and Yelton--53.

Representative present and not voting was: Pruitt--1.

Mr. Copeland moved to amend Amendment No. 15 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 15

AMEND Amendment No. 15 by deleting "shall" and insert in lieu thereof the word "may".

On motion, Amendment No. 1 to Amendment No. 15 was adopted.

Ms. DeBerry moved the previous question, which motion prevailed by the following vote:

Ayes	82
Noes	8
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Harrill, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton),

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Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wood and Yelton--82.

Representatives voting no were: Ellis, Gill, Hassell, Henry, Lawson, Pruitt, Scruggs and Wolfe--8.

Representative present and not voting was: Kernell--1.

Thereupon, Amendment No. 15, as amended, was adopted by the following vote:

Ayes	76
Noes	13
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Peroulas, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work and Yelton--76.

Representatives voting no were: DeBerry, Ellis, Gill, Hassell, Ivy, Lawson, McAfee, Moody, Pruitt, Ridgeway, Shirley, Stallings and Wolfe--13.

Representative present and not voting was: Napier--1.

Mr. Robinson (Davidson) moved that Senate Bill No. 790 be placed on the Calendar for Wednesday, May 8, 1985; which motion prevailed by the following vote:

Ayes	82
Noes	10
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Darnell, Davidson, Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hurley, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

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West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: Curlee, Davis (Cocke), Davis (Gibson), Hobbs, Huskey, Ivy, Lawson, Pruitt, Stallings and Wolfe--10.

Representative present and not voting was: Moore (Shelby)--1.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Ms. Gaia moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 299 out of order, which motion prevailed.

House Joint Resolution No. 299--Relative to welcoming Chips Moman and wife, to Memphis--By Byrd, Gaia, Nance, Shirley, Williams, Dixon, Turner, L. (Shelby), Gill, Turner, C. (Shelby), Kernell, Moore (Shelby), Hassell, Kent, Brewer, King, Jones and DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Gaia, the resolution was adopted.

A motion to reconsider was tabled.

Mr. King moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 296 out of order, which motion prevailed.

House Joint Resolution No. 296--Relative to proclaiming "Memphis in May International Festival Month"--By King.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. King, the resolution was adopted.

A motion to reconsider was tabled.

House Bill No. 880--To make certain provisions, Reelfoot Lake.

On motion, House Bill No. 880 was made to conform with Senate Bill No. 867.

On motion, Senate Bill No. 867, on same subject, was substituted for House Bill No. 880.

Mr. Tanner moved that Senate Bill No. 867 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 867 by striking Section 2 in its entirety and substituting in lieu thereof, the following:

"SECTION 2. This act shall take effect upon passage, the public welfare requiring it, except those sections relative to fees which shall take effect March 1, 1986."

On motion, the amendment was adopted.

Mr. Moore (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 867 by adding a new section to be appropriately numbered, as follows:

SECTION _____. Tennessee Code Annotated, Section 70-5-107, is further amended by adding a new subsection as follows:

() Notwithstanding any other law to the contrary, exclusive control over the water level in Reelfoot Lake is hereby vested in the executive director.

On motion, the amendment was adopted.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 867 by deleting the language of Senate Amendment #1 in its entirety and substituting in lieu thereof the following:

SECTION _____. The general assembly finds and declares that it is in the general interests of the people of Tennessee to establish a partnership between that state and private, non-profit corporations, qualifying under Section 501 (c) (3) of the United States Code, for the purpose of implementing the expeditious acquisition of interest in lands at Reelfoot Lake.

SECTION _____. The executive director of the Tennessee Wildlife Resources Agency shall identify appropriate private, non-profit corporations to assist with the acquisition of these lands. These corporations shall have the protection of charters of incorporation. The executive director is authorized, with the approval of the Commissioner of Finance and Administration and the State Building Commission, to enter into agreements with such corporations to permit the corporations to purchase surveys, appraisals, title work, and other services required for the acquisition of interests in lands at Reelfoot Lake, provided that contractors selected by the corporations for these purposes must

be properly licensed in Tennessee for these purposes. The executive director, with the approval of the Commissioner of Finance and Administration and the State Building Commission, is further authorized to accept such surveys, appraisals, title work, and services on behalf of the state and to enter into agreements with such corporations to acquire options and to pre-acquire on behalf of the state interests in lands at Reelfoot Lake. The executive director is further authorized, with the approval of the Commissioner of Finance and Administration and the State Building Commission, to acquire conservation easements from such corporations where such corporations may retain the fee title; provided, however, that the executive director may not purchase a conservation easement under such circumstances for more than its appraised value. The executive director may, through such agreements, commit the state to reimburse the corporations for their costs of acquisition and for their costs of capital. The Commissioner of Finance and Administration and the State Building Commission shall establish a form for such agreements.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 867, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 635--To make certain provisions, taxes.

On motion, House Bill No. 635 was made to conform with Senate Bill No. 98,

On motion, Senate Bill No. 98, on same subject, was substituted for House Bill No. 635.

Mr. Murray moved that Senate Bill No. 98 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Davis (Knox) moved that House Bill No. 701 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

House Bill No. 252--To amend Tennessee Consignment of Art Act.

On motion, House Bill No. 252 was made to conform with Senate Bill No. 384.

On motion, Senate Bill No. 384, on same subject, was substituted for House Bill No. 252.

Mr. McNally moved that Senate Bill No. 384 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner

(Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 381--To provide for visitation rights, grand parents.

On motion, House Bill No. 381 was made to conform with Senate Bill No. 14.

On motion, Senate Bill No. 14, on same subject, was substituted for House Bill No. 381.

Mr. Severance moved that Senate Bill No. 14 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 14 by adding the following sentence to Section 1:

Provided, however, the provisions of this ACT shall not apply in the case of any child who has been adopted by any person other than a relative of the child or a stepparent of the child.

On motion, the amendment was adopted.

Mr. Clark (Davidson) moved the previous question, which motion prevailed by the following vote:

Ayes	72
Noes	12
Present and not voting	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Drew, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kisber, Love, May, McAfee, McCroskey, Miller, Moody, Murray, Naifeh, Nance, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--72.

Representatives voting no were: Chiles, Darnell, Duer, Frensley, Garrett, Lawson, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Ridgeway and Turner, B. (Hamilton)--12.

Representatives present and not voting were: Brewer, Kernell, King and Napier--4.

Thereupon, Senate Bill No. 14, as amended, passed its third and final consideration by the following vote:

Ayes	75
Noes	13
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McNally, Miller, Moody, Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--75.

Representatives voting no were: Chiles, Darnell, DeBerry, Garrett, Hassell, McAfee, McCroskey, Montgomery, Moore (Sullivan), Robinson (Washington), Tankersley, Turner, L. (Shelby) and Ussery --13.

Representatives present and not voting were: Moore (Shelby) and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 476--To prohibit use, certain art supplies.

On motion, House Bill No. 476 was made to conform with Senate Bill No. 632.

On motion, Senate Bill No. 632, on same subject, was substituted for House Bill No. 476.

Ms. Moore (Sullivan) moved that Senate Bill No. 632 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones,

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Kent, Kernell, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 475--To require labeling toxic substances, art supplies.

On motion, House Bill No. 475 was made to conform with Senate Bill No. 631.

On motion, Senate Bill No. 631, on same subject, was substituted for House Bill No. 475.

Ms. Moore (Sullivan) moved that Senate Bill No. 631 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

House Bill No. 923--To make certain provisions, Department of Commerce and Insurance.

On motion, House Bill No. 923 was made to conform with Senate Bill No. 933.

On motion, Senate Bill No. 933, on same subject, was substituted for House Bill No. 923.

Mr. Stafford moved that Senate Bill No. 933 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 933 by inserting the following new sections immediately preceding Section 30 and by renumbering subsequent sections accordingly:

Section _____. Notwithstanding any provision of law or this act to the contrary, no fees imposed pursuant to Tennessee Code Annotated, Title 63, Chapter 10, Part 2 shall be allocated or expended to fund any expenditure pursuant to the provisions of Tennessee Code Annotated, Title 68, Chapter 52, Part 1.

Section _____. That portion of any fee imposed by Tennessee Code Annotated, Title 63, Chapter 10, Part 2 which is increased by the provisions of this act to fund any expenditure pursuant to Tennessee Code Annotated, Title 68, Chapter 52, Part 1 is hereby reduced by the amount necessary to fund such expenditures.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 933, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	14

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Curlee, Darnell, Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: Bewley, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dills, Gafford, Harrill, Huskey, Ivy, Napier, Ridgeway and Winningham--14.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 288--Relative to honoring Scott High School football team.

House Joint Resolution No. 289--Relative to honoring Celina High School boys' basketball team.

House Joint Resolution No. 290--Relative to honoring Red Boiling Springs High School girls' basketball team.

House Joint Resolution No. 291--Relative to honoring Pickett County High School boys' basketball team.

House Joint Resolution No. 292--Relative to honoring Joey Coe.

House Bill No. 1063--To provide for Charter, Lafayette.

House Bill No. 1081--To make certain provisions, Lake City.

House Bill No. 1082--To authorize certain tax, Lake City.

House Bill No. 1092--To regulate purchasing, Hardeman County.

House Bill No. 1093--To regulate purchasing, Carter County.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, and all House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 386--To enact Right to Natural Death Law.

SENATE AMENDMENT NO. 1

AMEND House Bill No. 386 by deleting in the second paragraph of Section 2 the words, "and/or by power of appointment,";

and further amend by deleting the language of subsection (1) of Section 3 and renumbering the remaining subsections accordingly:

and further amend Section 3 by deleting subsection (9) and substituting in lieu thereof the following:

(9) "Terminal condition" means any disease, illness, injury, or condition sustained by any human being from which there is no reasonable medical expectation of recovery and which, as a medical probability, will result in the death of such human being within a relatively short period of time regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life, or the life processes.;

and further amend Section 4 (a) by adding in the last sentence between the words "be" and "in" the word "substantially";

and further Section 4 (b) by deleting it in its entirety and substituting in lieu thereof the following:

(b) It shall be the responsibility of the declarant or someone acting on his behalf to deliver a copy of such living will or declaration to the attending physician and/or other concerned health care provider. An attending physician who is so notified shall make the declaration, or a copy of it, part of the declarant's medical record;

and further amend by deleting from Section 6 the words "or his or her agent";

and further amend Section 6 by deleting subsection (b) in its entirety and substituting in lieu thereof the following:

"By oral statement or revocation made by the declarant to the attending physician. Such revocation shall be made a part of the declarant's medical record by the attending physician.";

and further amend by deleting from the second line of Section 7 the words "unless sooner" and substituting in lieu thereof the word "until";

and further amend by deleting the first sentence from Section 8 (a) and substituting in lieu thereof the following:

"Any physician or other individual health care provider who cannot in good conscience comply with the provisions of such living will, on being informed of the declaration, shall so inform the declarant, or if the declarant is not competent, his next of kin or a legal guardian, and at their option make every reasonable effort to assist in the transfer of the patient to another physician who will comply with the declaration.";

and further amend Section 8 (a) by adding to the second sentence thereof between the words "fails" and "to" the words "to make good faith reasonable efforts";

and further amend Section 8 (a) by adding at the end of the existing language the following sentence:

"Provided that the health care provider shall not be subject to civil liability for medical care provided during the interim period until transfer is effectuated.";

and further amend by adding a new subsection 10 (i) as follows: "No physician or health care provider shall be subject to civil or criminal liability or considered guilty of unprofessional conduct as a result of actions under this chapter which are in accord with reasonable medical standards or as a result of another physician or health care provider's actions or failure to act in accordance with the provisions of this chapter."

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the word "relatively" in the tenth line of the amendment.

SENATE AMENDMENT NO. 3

Amend House Bill No. 386 by adding the following new sentence at the end of item (6) of Section 3:

Provided, however, that in no case shall this section be interpreted to allow the withholding of simple nourishment or fluids so as to condone death by starvation or dehydration.

On motion, the amendment was adopted.

Mr. Scruggs moved that the House concur in Senate Amendments Nos. 1 and 3, which motion prevailed by the following vote:

Ayes	79
Noes	14
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Work, Yelton and Mr. Speaker McWherter --79.

Representatives voting no were: Bell, Byrd, Crain, Cross, Davidson, Hassell, Rhinehart, Shirley, Stallings, Turner, C. (Shelby), Winningham, Wix, Wolfe and Wood--14.

Representative present and not voting was: Darnell--1.

A motion to reconsider was tabled.

BILL WITHDRAWN

On motion of Mr. Gill, House Bill No. 461 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bill No. 461 was withdrawn from the House.

NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 2, 1985:

House Bill No. 336--Naifeh

and on Wednesday, May 8, 1985:

House Bill No. 528--Hurley

SECOND ROLL CALL

A roll call was taken with the following results:

Present 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore

(Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

INTRODUCTION OF RESOLUTION

House Resolution No. 27--Relative to honoring State DECA students--By Wheeler.

Under the rules, House Resolution No. 27 was referred to the Committee on Calendar and Rules.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 122--Relative to congratulating Martin Junior High School chess team.

Under the rules, Senate Joint Resolution No. 122 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 123--Relative to commemorating accomplishments, Volunteer Electric Cooperative.

Under the rules, Senate Joint Resolution No. 123 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 124--Relative to congratulating Coach Tommy Carpenter and girls' basketball team.

Under the rules, Senate Joint Resolution No. 124 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 125--Relative to congratulating Coach Dave Loos and Christian Brothers basketball team.

Under the rules, Senate Joint Resolution No. 125 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 128--Relative to commending Robin Angela Saxon.

Under the rules, Senate Joint Resolution No. 128 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 129--Relative to commending Sammie Lynn Puett.

Under the rules, Senate Joint Resolution No. 129 was referred to the Committee on Calendar and Rules.

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Senate Joint Resolution No. 130--Relative to declaring Canadian Thistle Eradication Week.

The Speaker referred Senate Joint Resolution No. 130 to the Committee on Agriculture.

INTRODUCTION OF BILLS

House Bill No. 1096--To authorize counties to levy tax on restaurants--By Wheeler.

Passed first consideration.

House Bill No. 1097--To authorize school bonds, Franklin Special School District--By Frensley and Hobbs.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 151--To regulate State Building Commission.

Passed first consideration.

Senate Bill No. 241--To regulate State Board of Equalization.

Passed first consideration.

Senate Bill No. 777--To amend Excise Tax Law.

Passed first consideration.

Senate Bill No. 850--To regulate comprehensive health insurance.

Passed first consideration.

Senate Bill No. 879--To regulate certain polygraph examinations.

Passed first consideration.

Senate Bill No. 993--To regulate merger, Tennessee State University and University of Tennessee at Nashville.

Passed first consideration.

Senate Bill No. 1043--To regulate coon dog training, Lake County.

Passed first consideration.

Senate Bill No. 1062--To regulate judicial review, certain decisions of commissioner.

Passed first consideration.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 1095--To authorize severance tax, Putnam County.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

68--To increase fine, prostitution;

206--To provide for use of citations, certain cases; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

435--To regulate certain utility districts;

481--To regulate solid and hazardous waste management; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

STANDING COMMITTEE REPORTS

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolution No. 96.

HILLIS, Chairman.

Under the rules, Senate Joint Resolution No. 96 was transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 55 (with amendment), 708, 777, 943, 1012

and 1036 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 55, 708, 777, 943, 1012 and 1036 were transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 60 (with amendment), 372 (with amendments), 724 (with amendment), 1076 (with amendment); House Resolution No. 25; House Joint Resolutions Nos. 257 and 259; and Senate Joint Resolution No. 69; and further recommend that pursuant to House Rule No. 71, House Bill No. 372 be referred to the Committee on Finance, Ways and Means.

MURPHY, Chairman.

Under the rules, House Bills Nos. 60, 724, 1076; House Resolution No. 25; House Joint Resolutions Nos. 257 and 259; and Senate Joint Resolution No. 69 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71 the Speaker referred House Bill No. 372 to the Committee on Finance, Ways and Means.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 283 (with amendment) and 875 (with amendments); and further recommend that pursuant to House Rule No. 71 House Bill No. 875 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bill No. 283 was transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71, the Speaker referred House Bill No. 875 to the Committee on Finance, Ways and Means.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 2, 1985: House Bills Nos. 931, 704, 901, 286, 57, 805, 454, 417 and 238.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 418--Work

House Bill No. 533--Peroulas, Turner (Hamilton)

House Bill No. 886--Davis (Cocke), Huskey, Webb

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 296 and 299 and find same correctly engrossed and ready for transmission to the Senate.

MARLYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

296--Relative to proclaiming "Memphis in May International Festival Month";

299--Relative to welcoming Chips Moman and wife back to Memphis; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

195--To amend Section 40-24-107, Code;

304--To regulate housing of certain criminals; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, MAY 1, 1985--42nd LEGISLATIVE DAY

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1091 and 1094.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, May 2, 1985: House Bill No. 1031, Senate Joint Resolutions Nos. 31, 122, 123, 124, 125, 128, 129, House Bills Nos. 1091 and 1094, and House Resolution No. 27.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1063, 1081, 1082, 1092 and 1093; and House Joint Resolutions Nos. 288, 289, 290, 291 and 292; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I directed to return to the House, House Joint Resolution No.:

253--Relative to honoring Dr. Wayne Brown; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 296; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

WEDNESDAY, MAY 1, 1985--42nd LEGISLATIVE DAY

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 296.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 265 and 296; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 265 and 296; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 9:30 a.m. tomorrow.